Registry of the Competition Tribunal

2009–2010

Report on Plans and Priorities

Tony Clement
Minister of Industry

Table of Contents

Minister's Message 2
Section I: Departmental Overview 3
Summary Information 3
Raison d'être 3
Responsibilities 3
Strategic Outcome and Program Activity Architecture 4
Planning Summary 4
Financial Resources 4
Human Resources 4
Contribution of Priorities to Strategic Outcome 6
Risk Analysis 7
Expenditure Profile 8
Section II: Analysis of Program Activities by Strategic Outcome 9
Strategic Outcome 9
Program Activity: Process cases 9
Program Activity Summary 10
Planning Highlights 10
Benefits for Canadians 10
Program Activity: Internal Services 11
Program Activity Summary and Planning Highlights 11
Section III: Supplementary Information 12

Minister's Message

As Minister of Industry, I am committed to the long-term competitiveness and prosperity of our country. Canada has many economic advantages upon which we must continue to build if we are to set the right conditions for our long-term success. With this in mind, Industry Canada and its Portfolio partners are striving toward the development of an innovative economy with robust sectors and an efficient and competitive marketplace.

Our priorities remain aligned with Advantage Canada, the government's long-term economic plan. Here, we set out clear objectives, including the reduction of taxes, the encouragement of entrepreneurship, and the development of a knowledge-based economy.

In the 2009–2010 Report on Plans and Priorities, we recognize that as we look to the year ahead we are entering a period of continued global economic uncertainty, one that demands clear and strategic action on the part of the government to ensure we accomplish the long-term goals we have set for ourselves. Our departmental priorities and initiatives will be guided by a balanced consideration of the demands of the global economic situation and our long-term vision for Canada's growth and prosperity.

In Budget 2009 — Canada's Economic Action Plan, the government has developed a clear and comprehensive response to the slowdown in the global economy, which is in keeping with the continuing objectives of Advantage Canada. The economic action plan addresses short-term realities, while setting in place the conditions to strengthen Canada's economy for generations to come.

Industry Canada and its Portfolio partners are at the heart of the government's strategy to stimulate the Canadian economy. We are taking steps to improve the competitiveness of Canada's traditional economy by providing short-term support for key sectors such as the auto industry. We are ensuring that all regions of Canada prosper by supporting economic diversification. We are fostering small businesses by improving access to credit and encouraging growth through tax reductions and incentives. We are supporting measures to develop a highly skilled workforce through such means as expanding the Canada Graduate Scholarships program. At this time of intense international competition for the world's best and brightest, government support is helping to attract and retain these individuals in Canada. We are positioning Canada as a leader in the global knowledge economy.

In the ongoing pursuit of our mandate, we will continue to focus on innovation as a means to develop a globally competitive economy. Our ultimate goal is to help Canadians continue to enjoy a quality of life that is envied throughout the world.

It is my pleasure to present this year's Report on Plans and Priorities for Industry Canada and its Portfolio partners, which will outline in greater detail the priorities and pursuits in which we will be engaged in the year to come.

Tony Clement
Minister of Industry

Section I: Departmental Overview

Summary Information

Raison d'être

The Competition Tribunal is a quasi-judicial adjudicative tribunal whose sole purpose and raison d'être is to hear and decide all applications related to civil reviewable matters set out in Part VII.1 (deceptive marketing practices) and Part VIII (restrictive trade practices) of the *Competition Act*. The purpose of this legislation is to maintain and encourage competition in Canada and to provide a fair and secure marketplace for Canadians. The Tribunal operates at arm's length from government and its departments. The *Competition Tribunal Act* that establishes the Tribunal also provides for the Registry of the Competition Tribunal an administrative infrastructure to support the proper conduct of the business of the Tribunal.

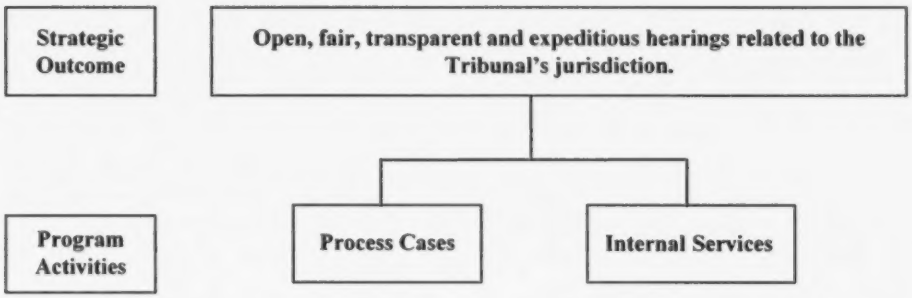
Responsibilities

The Registry of the Competition Tribunal is designated a department under the *Financial Administration Act*. It supports all aspects of the Tribunal's work and ensures the Tribunal can hold hearings anywhere in Canada, as necessary. Registry headquarter is located in the National Capital Region. Parties to Tribunal cases file applications and documents with the Registry, which also issues documents and orders for all cases brought before the Tribunal. This Report on Plans and Priorities pertains to the activities of the Registry in support of the Tribunal and its deliberations, and not to Tribunal cases themselves.

Since its creation in 1986, the Tribunal has heard cases relating to mergers, abuse of dominant position and various trade practices that have involved key players in several industries. Cases have involved a number of business arenas, including pharmacies; furniture stores; importers of cast iron pipes; airline computer reservation systems; oil refining and gasoline retailing; community newspapers; aspartame; waste disposal; car parts; marketing research services; green handling services; weight loss products and fuel saving devices.

Strategic Outcome and Program Activity Architecture

The chart below illustrates the Registry of the Competition Tribunal's framework for how its program activities contribute to progress toward its strategic outcome.



Planning Summary

Financial Resources

Financial Resources	2009–10	2010–11	2011–12
($ thousands)	$2,012	$2,012	$2,012

The financial resources table provides a summary of the total planned spending for the Registry of the Competition Tribunal for the next three fiscal years.

Human Resources

Human Resources	2009–10	2010–11	2011–12
(Full-time Equivalents—FTEs)	14	14	14

The human resources table above provides a summary of the total planned human resources for the Registry of the Competition Tribunal for the next three fiscal years.

Strategic Outcome: Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction.

Performance Indicators	**Targets**
Client level of satisfaction regarding quality of service.	80% satisfaction.
Tribunal members' level of satisfaction regarding quality of service.	80% satisfaction.

Program Activity	**Forecast Spending** ($ thousands)	**Planned Spending** ($ thousands)			**Alignment to Government of Canada Outcomes**
Process Cases	**2008–09**	**2009–10**	**2010–11**	**2011–12**	A fair and secure marketplace
	$1,328	$1,641	$1,641	$1,641	
Internal Services	$371	$371	$371	$371	
Total	$1,699	$2,012	$2,012	$2,012	

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic Outcome	Description
Review the e-filing services offered to the parties	New	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction.	**Why is this a priority?** Electronic filing of documents is a prerequisite to electronic hearings. Electronic hearings expedite the hearing process. **Plans for meeting this priority?** The Registry will review the current system, identify improvements and develop an implementation schedule.
Implement digital recording for Tribunal hearings	New	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction	**Why is this a priority?** Digital recording technology provides opportunities to easily play back audio files therefore eliminating the waiting period for transcriptions. **Plans for meeting this priority?** The Registry will test the selected technology in parallel with the existing system and develop an implementation plan.
Develop an Information Technology Asset Management Lifecycle	New	Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction	**Why is this a priority?** The public depends heavily on a reliable, up-to-date and secure technology platform to file documents with the Tribunal. **Plans for meeting this priority?** The Registry will evaluate the current equipment, identify the requirements of the public and parties, and invest in bridging the gap between the two.

Risk Analysis

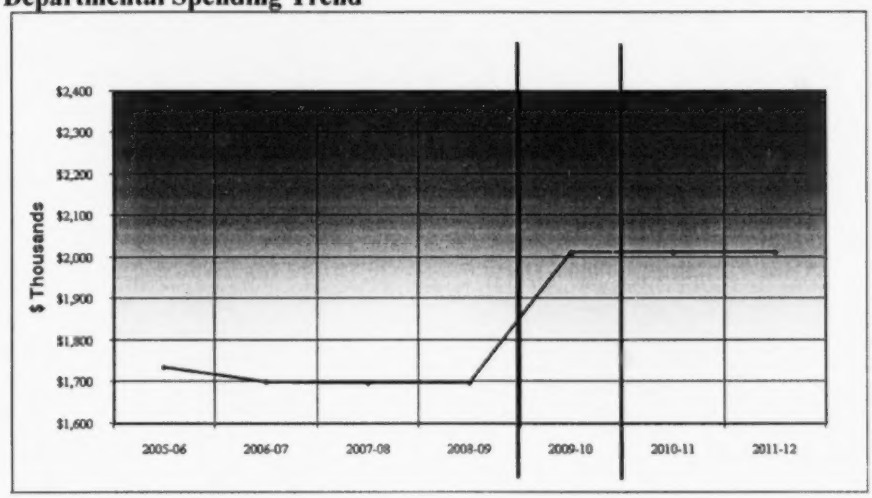
The Registry of the Competition Tribunal has an ongoing major planning challenge in that the Tribunal's sole function is to respond to the matters referred to it. As such, the Registry's activities are driven by external demands that it can only react to rather than plan for. The number of applications brought to the Tribunal depends on the enforcement policy adopted by the Competition Bureau and the number of applications filed by individuals or companies under the private access provisions of the *Competition Act*.

In July 2007, the Competition Policy Review Panel was mandated to review Canada's competition and foreign investment policies, and recommend ways to improve Canada's productivity and competitiveness. The Review Panel's report, released in June 2008, puts forward a number of policy recommendations, some of which could increase the jurisdiction of the Tribunal. It is too early to assess what impact these recommendations could have on the workload of the Tribunal. The Registry will monitor these potential changes closely.

Another potential risk is the need for the Registry to manage its human resource requirements so as to deliver on mandate-related and support activities. As a micro-agency, the Registry can offer only limited development opportunities within its organization and so has experienced a high turnover in recent years.

Expenditure Profile

Departmental Spending Trend



The Registry's reference level has not increased since the Tribunal's inception in 1986, even when the jurisdiction of the Tribunal was expanded in 2002. Expenditures have hovered around the budget of $1,699,000. The spending trend will be expected to increase slightly should the jurisdiction of the Tribunal be expanded as proposed in Bill C-10. The Registry cannot forecast the Tribunal's workload; it can only react and process cases brought forth by Canadian enterprises and the Competition Bureau.

Voted and Statutory Items displayed in the Main Estimates
($ thousands)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2008–09 Main Estimates	2009–10 Main Estimates
75	Program expenditures	$1,546	$1,861
(S)	Contributions to employee benefit plans	$153	$151
	Total	$1,699	$2,012

Section II: Analysis of Program Activities by Strategic Outcome

Strategic Outcome

Open, fair, transparent and expeditious hearings related to the Tribunal's jurisdiction.

The Tribunal hears applications and issues orders related to civil reviewable matters as set out in the *Competition Act.* These include deceptive marketing practices (part VII.1) and restrictive trade practices (part VIII).

Parties to the Competition Tribunal are mainly the Competition Bureau and Canadian businesses involved in a range of products and services. The cases it hears are complex and the impact of the decisions of the Tribunal on Canadian Businesses can be significant. The Registry provides efficient and effective support to the Tribunal in processing cases. The level of satisfaction of members and clients are measured at the conclusion of each hearing. A minimum of 80% satisfaction level has been set as a target.

The following section describes the Registry's two program activities and identifies the expected result, performance indicators and targets for both of them.

Program Activity: Process cases

Program Activity Expected Results	Performance Indicators	Targets
Timely Registry services that provide the public efficient access to case records and decisions.	Percentage of case documents and decisions posted on website within 48 hours of filing.	90%
Documents are processed according to timeframes established in the Rules of Procedure.	Documents processed within established timeframes.	100%.
Efficient access to electronic hearings of applications.	Percentage increase in use of electronic hearings.	25%

Financial Resources ($ thousands)			Human Resources (FTEs)		
2009–10	2010–11	2011–12	2009–10	2010–11	2011–12
$1,641	$1,641	$1,641	10	10	10

Program Activity Summary

This program activity includes the provision of all administrative support required for the proper conduct of the Competition Tribunal's business and for the Tribunal to hold hearings anywhere in Canada. The Registry is also the repository for applications and documents filed with the Tribunal and for issuing documents and orders for all cases brought before the Tribunal.

Planning Highlights

To achieve the expected results of providing the public and parties efficient access to electronic hearings, the Registry of the Competition Tribunal plans to continue maintaining its level of investment in technology. Also, providing the public with efficient access to case records and decisions will continue to be a focal point of Registry activities.

To manage the Registry's employee turnover, continuous internal learning opportunities will be provided to Registry staff to ensure documents continue to be processed according to timeframes established in the Rules of Procedure. This will ensure parties to cases receive quick responses to their requests, allowing them to proceed more expeditiously with their cases.

Benefits for Canadians

The Registry of the Competition Tribunal contributes to the Government of Canada outcome area of a "fair and secure marketplace" by supporting the Tribunal in conducting open and timely hearings of cases. Outcomes of Tribunal proceedings may be felt by all Canadians. The decisions of the Tribunal help promote the efficiency and adaptability of the Canadian economy on issues related to its jurisdiction.

Program Activity: Internal Services

Program Activity Expected Results	Performance Indicators	Targets
High quality internal services to the Registry function to ensure the infrastructure is in place to assist the Tribunal in meeting its mandate.	Continuous review of internal policies.	25 % per year.
	Central Agencies rating of financial and human resources management.	80%

Financial Resources ($ thousands)			Human Resources (FTEs)		
2009–10	2010–11	2011–12	2009–10	2010–11	2011–12
$371	$371	$371	4	4	4

Program Activity Summary and Planning Highlights

This program activity is intended to establish internal services expectations and monitor overall service performance of the Registry. The Registry intends to follow the Management Accountability Framework management practices to act in the best interest of the Registry, its members, its employees and Canadians.

The planning highlights include the implementation of a policy renewal life cycle strategy that will cover areas ranging from human resources to risk management to financial management.

Section III: Supplementary Information

For further information please contact:

Registry of the Competition Tribunal
90 Sparks Street, Suite 600
Ottawa, ON K1P 5B4

Deputy Head and Registrar: 613-957-7851

Website: www.ct-tc.gc.ca